

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES N. BARNEY,

Plaintiff,

Case No.: 1:08-cv-694

v.

HONORABLE PAUL L. MALONEY

CHRISTINE MEYER D.O., et al.,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation (Dkt. #57) filed by United States Magistrate Judge Joseph G. Scoville in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court. Therefore,

**IT IS HEREBY ORDERED** that defendants' frivolous Rule 41(b) motion (Dkt. #56) is **DENIED**. Defendants' counsel is expressly placed on notice that the Court reserves the right to exercise its authority under the provisions of F.R.Civ.P. 11 and 28 U.S.C. § 1927 if another frivolous Rule 41(b) motion is filed.

Dated: June 24, 2010

/s/ Paul L. Maloney

Paul L. Maloney  
Chief United States District Judge